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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/688,812	10/20/2003	Cheol Jung Yoon	1771.01	2385
29338	7590	09/14/2004	EXAMINER	
PARK & SUTTON LLP 3255 WILSHIRE BLVD SUITE 1110 LOS ANGELES, CA 90010			YEUNG, JAMES C	
			ART UNIT	PAPER NUMBER
			3749	

DATE MAILED: 09/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/688,812

Applicant(s)

YOON, CHEOL JUNG

Examiner

James C Yeung

Art Unit

3749

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-12 and 16-23 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/20/2003.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2, and 4-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Thompson. The structure as claimed is fully anticipated by Thompson.

In particular, Thompson shows in Fig. 1 a barbecue grill comprising:

a gridiron disk (12);

a shaft (14) extending from the gridiron disk (12) so that the shaft (14) becomes substantially perpendicular to the gridiron disk (12);

a bowl (10) having a channel (26), wherein the shaft (14) is detachably received through the channel (26); and

a motor (28) attached to the bowl to generate rotation of the shaft (14).

3. Claims 7-8, 10-12, 16, and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Whitehouse. The structure as claimed is fully anticipated by Whitehouse.

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In particular, Whitehouse shows in Figs. 1-12 a barbecue grill comprising:

- a gridiron disk (30);
- a shaft (54) extending from the gridiron disk (30) so that the shaft (54) becomes substantially perpendicular to the gridiron disk (30);
- a bowl (22) having a channel (65, Fig. 8), wherein the shaft (54) is detachably received through the channel (65);
- a tray (32) having a center opening, wherein the tray (32) is provided between the gridiron disk (30) and the channel (65) so that the shaft (54) passes through the center opening;
- and
- a motor (48) attached to the bowl (22) to generate rotation of the shaft (54).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Neyman.

Thompson discloses the invention substantially as claimed. However, Thompson does not disclose that the gridiron disk is formed of a plurality of linear and circular wires.

Neyman teaches the use of a plurality of linear and circular wires (note element 38, Fig. 3) for the purpose of forming a gridiron disk for supporting foods to be broiled.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the gridiron disk of Thompson from a plurality of linear and circular wires such as taught by Neyman for the same purpose of supporting foods to be broiled.

6. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehouse in view of Neyman.

Whitehouse discloses the invention substantially as claimed. However, Whitehouse does not disclose that the gridiron disk is formed of a plurality of linear and circular wires.

Neyman teaches the use of a plurality of linear and circular wires (note element 38, Fig. 3) for the purpose of forming a gridiron disk for supporting foods to be broiled.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the gridiron disk of Whitehouse from a plurality of linear and circular wires such as taught by Neyman for the same purpose of supporting foods to be broiled.

7. Claims 7, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thompson in view of Whitehouse.

Thompson discloses the invention substantially as claimed. However, Thompson does not disclose a tray.

Whitehouse teaches the use of tray for the purpose of supporting charcoals for combustion.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the bowl of Thompson with a tray in the manner as taught by Whitehouse in order to support charcoals for combustion.

8. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehouse in view of Hait.

Thompson discloses the invention substantially as claimed. However, Thompson does not disclose that the gridiron disk is radially embossed.

Hait teaches the use of a radially embossed gridiron dish (note element 40, Fig. 3) for the purpose of supporting foods to be broiled.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the gridiron disk of Thompson such that the gridiron disk is radially embossed in the manner as taught by Hait for the same purpose of supporting food to be broiled.

9. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehouse in view of Chan.

Whitehouse discloses the invention substantially as claimed. However, Whitehouse does not disclose that the gridiron disk is marginally stepped.

Chan teaches the use of a marginally stepped gridiron dish (note Fig. 1) for the purpose of supporting foods to be broiled.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the gridiron dish of Whitehouse such that the gridiron dish is marginally stepped in the manner as taught by Chan for the same purpose of supporting food to be broiled.

10. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Whitehouse in view of Waltman.

Thompson discloses the invention substantially as claimed. However, Thompson does not disclose that the shaft is substantially angled in a polyhedron format.

Waltman teaches the use of a shaft (16, Fig. 1) having a polyhedron format (20, Fig. 1) for the purpose of preventing the shaft from slipping.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the shaft of Whitehouse with a polyhedron format such as taught by Waltman in order to prevent the shaft from slipping.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Each of Lowndes, Atkinson, Lehtovaara and McKee is cited to show an outdoor boiler having a rotary grill.

12. Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James C Yeung whose telephone number is 703 308-1047. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ira Lazarus can be reached on 703 308-1935. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JY
September 7, 2004


James C. Yeung
Primary Examiner